

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NINA WALL,

Plaintiff,

v.

OMNI FAMILY HEALTH,

Defendant.

Case No. 1:24-cv-01490-KES-CDB

ORDER ON STIPULATION EXTENDING
TIME FOR DEFENDANT TO RESPOND TO
COMPLAINT

(Doc. 9)

ORDER VACATING MARCH 11, 2025,
SCHEDULING CONFERENCE

Relevant Background

On October 25, 2024, Plaintiff Nina Wall (“Plaintiff”) initiated this action with the filing of a complaint on behalf of herself and a putative class of others against Defendant Omni Family Health (“Defendant”) in the Superior Court of the State of California, Kern County, entitled *Nina Wall v. Omni Family Health*, Case No. BCV-24-103682. (Doc. 1). On December 6, 2024, Defendant removed the action to this Court. (*Id.*). On December 10, 2024, the parties stipulated pursuant to Local Rule 144(a) to extend by 28 days the time for Defendant to respond to the complaint, up to and including January 10, 2025. (Doc. 5). On January 8, 2025, Defendant filed the Notice of Related Cases and identified as related several actions, including at the time 13 cases before this Court, eight cases before the Kern County Superior Court, and one case before

1 the Fresno County Superior Court.¹ (Doc. 8 at 1-3). Defendant therein advised it intends to
 2 remove all the state actions pending in the Superior Courts of California pursuant to 28 U.S.C.
 3 § 1446(b). (*Id.* at 3). Defendant attests that it has either been served or waived service in all the
 4 cases identified aside from three of the state actions. (*Id.*).

5 This action is one of several similar class action suits brought in or removed to this Court
 6 in which plaintiffs assert similar claims against Defendant. *See, e.g., Gober Villatoro Guerra v.*
 7 *Omni Family Health*, Case No. 1:24-cv-01492-JLT-CDB (“*Guerra*”) (Doc. 6). In *Guerra*, the
 8 Court noted the class action complaints here and the other Omni actions allege substantially
 9 similar facts and nearly identical causes of action against Defendant. (*Id.* at 1-2) (“From review
 10 of the several complaints, it appears these actions arise from a recent, alleged cyberattack
 11 resulting in a data breach of sensitive information in the possession and custody and/or control
 12 of Defendant (the ‘Data Breach’).”).

13 The Court ordered Defendant to file a Notice of Related Cases in accordance with Local
 14 Rule 123(b) in *Guerra* and the identified Omni actions therein, including the instant action. (*Id.*
 15 at 3). The Court further ordered the parties in *Guerra* to show cause why this action should or
 16 should not be consolidated pursuant to Federal Rule of Civil Procedure 42(a). (*Id.*). On
 17 December 27, 2024, Defendant filed the Notice of Related Cases and identified as related, *inter*
 18 *alia*, the instant action. (*Guerra*, Doc. 8); *see* (Doc. 8). On December 30, 2024, the parties in
 19 *Guerra* filed a joint status report in response to the Court’s show cause order. (*Guerra*, Doc. 9).
 20 Therein, Defendant represents it intends to file a motion to substitute the United States in the
 21 matter and all other related Omni matters. (*Id.* at 1).

22 The *Guerra* parties represent that they will file in the first filed of the Omni federal
 23 actions – *Ellen Pace v. Omni Family Health*, Case No. 1:24-cv-01277-JLT-CDB – a joint
 24 stipulation and proposed order consolidating and staying the Omni actions pending resolution of
 25 the earlier of Defendant’s forthcoming motion to substitute or motions to remand in *Abraham*,

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 27 ¹ The Court notes two of the identified Omni actions were voluntarily dismissed. *See Brandon*
 28 *Cubit v. Omni Family Health*, No. 1:24-cv-01491-KES-CDB (Doc. 5) & *Katarina Hernandez*
individually and as next friend on behalf of S.A. (minor) v. Omni Family Health, Superior Court of
 the State of California, County of Kern, Case No. BCV-24-103697 (dismissed on Dec. 23, 2024).

1 *et al. v. Omni Family Health*, Case No. 1:24-cv-01456-CDB (“*Abraham*”) (*Abraham*, Doc. 7) as
2 well as *Scott Stevenson and Marcos Mantoya v. Omni Family Health*, No. 1:24-cv-01459-CDB
3 (“*Stevenson*”) (*Stevenson*, Doc. 11). (*Id.* at 2).

4 **Pending Stipulated Request**

5 Pending before the Court is the parties’ stipulated request to extend by 30 additional days
6 the time for Defendant to respond to the complaint, through and including February 10, 2025,
7 filed on January 8, 2025. (Doc. 9). The parties represent the requested extension will allow time
8 for: (a) other federal court actions filed against Defendant to be consolidated; (b) the Court to
9 rule upon Defendant’s forthcoming motion to substitute the United States in this case as a
10 defendant pursuant to the Federal Tort Claims Act, 42 U.S.C. § 233; and (c) the Court to rule
11 upon the pending motions to remand. (Doc. 9 at 2). The parties represent that good cause exists
12 to grant the requested extension in the efficiencies from allowing consolidation to occur and
13 ruling on the pending motions to substitute and to remand. (*Id.*).

14 **Conclusion and Order**

15 Good cause appearing, IT IS HEREBY ORDERED:

- 16 1. Defendant shall have until **February 10, 2025**, to respond to the complaint by filing
17 an answer or other responsive pleading. *See* Local Rule 144(a); and
18 2. The scheduling conference set for March 11, 2025 (Doc. 4) is VACATED to be reset
19 as necessary following ruling on the pending motions to remand in *Stevenson* and
20 *Abraham* and resolution of the issue of consolidation.

21 IT IS SO ORDERED.

22 Dated: **January 10, 2025**

23 
24 UNITED STATES MAGISTRATE JUDGE
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